

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327
THIS DOCUMENT RELATES TO ETHICON WAVE 3 CASES: <i>Identified on Exhibit A</i>	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PLAINTIFFS' MOTION TO EXCLUDE THE GENERAL
CAUSATION OPINIONS OF BRIAN J. FLYNN, MD**

Pursuant to Federal Rules of Evidence 702 and 703 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), Plaintiffs move this Court to exclude the testimony of Defendants' expert witness Brian J. Flynn, M.D. Plaintiffs incorporate their Memorandum in Support of Plaintiffs' Motion to Exclude the General Causation Opinions of Brian J. Flynn, M.D., and also the following exhibits:

- A. List of cases to which this Motion applies
- B. TVT-R Report of Dr. Flynn (dated 5/31/16)
- C. TVT-O Report of Dr. Flynn (dated 2/26/16)
- D. TVT-S Report of Dr. Flynn (dated 2/26/16)
- E. Prolift Report of Dr. Flynn (dated 2/29/16)
- F. Prolift+M Report of Dr. Flynn (dated 2/26/16)
- G. Transcript of Dr. Flynn Deposition (4/19/16)
- H. Transcript of Dr. Flynn Deposition (4/14/16 11:52 a.m.)
- I. Transcript of Dr. Flynn Deposition (3/24/16)
- J. Transcript of Dr. Flynn Deposition (4/14/16 8:42 a.m.)
- K. Reliance List of Dr. Flynn
- L. Transcript Excerpts from Dr. Flynn Deposition (10/30/14)
- M. Transcript Excerpts from Dr. Flynn Deposition (8/29/14)
- N. Transcript Excerpts from Dr. Flynn Deposition (1/7/15)

As shown in Plaintiffs' Memorandum in Support of its Motion to Exclude the General Causation Opinions of Brian Flynn, M.D., which Plaintiffs are filing contemporaneously with this Motion, as well as the accompanying exhibits, Dr. Flynn should not be allowed to testify. His opinions should be excluded because: (1) he admits he is not qualified to offer a number of opinions; (2) he failed to review much of the relevant literature; (3) he failed to review literature that was inconsistent with his opinions; and (4) he offers impermissible legal opinions and broad unsubstantiated statements that are not the proper subject of expert testimony. As Dr. Flynn's opinions are not the product of a reliable methodology and exceed his qualifications, his testimony should be excluded.

WHEREFORE, Plaintiff requests that the Court grant the requested Motion to Exclude the General Causation Opinions of Brian Flynn, M.D.

Respectfully submitted September 19, 2016.

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing **PLAINTIFFS' MOTION TO EXCLUDE THE GENERAL CAUSATION OPINIONS OF BRIAN FLYNN, M.D.** on September 19, 2016, using the Court's CM/ECF filing system, thereby sending notice of said filing to all counsel.

/s/ Jenelle Cox